

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76268 of 2024

Arising Out of PS. Case No.-145 Year-2024 Thana- KADWA District- Katihar

Pintu Rahim @ Md. Rahim Son of Taskar @ Tastar Ali R/O-Village-
Gethaura, PS- Kadwa, Distt.- Katihar

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Bibi Juberun Nisha Wife of Noor Alam Resident of Dhaparsia, P.S.- Kadwa,
Distt.- Katihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Bijay Kumar Pandey, Advocate
For the Opposite Party/s	:	Mr.Uday Pratap Singh, APP
For the Informant	:	Mr. Bal Krishna Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 23-01-2025 Heard Mr. Bijay Kumar Pandey, learned counsel
for the petitioner, Mr. Uday Pratap Singh, learned APP for the
State and Mr. Bal Krishna Mishra, learned counsel appearing on
behalf of the State.

2. The petitioner has prayed for regular bail in a case
registered for the offence punishable under sections 366(A),
372 and 120(B)/34 of the Indian Penal Code.

3. The case of the prosecution is that on 15.06.2023
at about 7:00 P.M., victim aged about 15 years had gone
besides her house to attend the call of nature. When she did not
return for a considerable moment, complainant searched her but
she did not find. The victim called her on Mobile No.



XXXXX94009 from Mobile No. xxxxx17794 and she told that Pintu Rahim took her to Chennai. After getting this information, the complainant and her husband went to Pintu Rahim's house but the petitioner was not present there. The family members of the Pintu told them that Pintu has taken away their daughter.

4. During the Course of investigation, the victim has given here statement under Section 164 of the Cr.P.C. wherein she has stated that one of her friend, Dilnashi took her for wandering and she left her near a bridge. Pintu Rahim was there, he caught her, boarded her in a bike and brought her to Katihar and from there he took her to Ludhiyana. Pintu was driving the bike whereas one of his friend caught her and was sitting her on the bike. She has further stated that Pintu Rahim used to assault her and has also committed rape with her. He has threatened the victim of dire consequences. After this mother of the victim has filed a case. Pintu himself brought the victim to Katihar where he has kept her in a house.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in connection with the present case. It is further submitted that during the course of investigation, it has also come that the victim has denied her medical examination as she was pregnant.



She has given her statement under Section 164 of the Cr.P.C. that on 10.07.2024 and she stated that she already married with one Rahil and is carrying pregnancy of four months and out of that wed lock whereas she has alleged rape against this petitioner. The chronology of the occurrence creates doubt. Moreover, the petitioner is languishing in judicial custody since 18.07.2024 having no criminal antecedent.

6. Learned counsel for the informant vehemently opposed the prayer of regular bail of the petitioner.

7. Considering the aforesaid facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Kadwa P.S. Case No. 145 of 2024 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge -VIIth cum Special Judge, POCSO Court, Katihar.

(Ashok Kumar Pandey, J)

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